IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 9TH OCTOBER 2006 / 17TH ASWINA 1928

Bail Appl..No. 6023 of 2006()

CRIME NO.139/2006 OF KUDIYANMALA POLICE STATION

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PETITIONER

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1. JOLLY, S/O.LOOKA, AGED 41 YEARS,
   KSEB EMPLOYEE, POTTAYIL HOUSE,
   NADUVIL AMSOM DESOM, CHEMPERY P.O.,
   KANNUR DT.

2. MANOJ, S/O.THOMAS, AGED 26 YEARS,
   MUTTATHU KUNNEL HOUSE, NADUVIL AMSOM DESOM,
   CHEMPERY P.O., KANNUR DT.

3. SHEEN, S/O.THOMAS, AGED 28 YEARS,
   NURSING STUDENT, MUTTATHU KUNNEL HOUSE,
   NADUVIL AMSOM DESOM, CHEMPERY P.O.,
   KANNUR DT.

BY ADV. SRI.P.NARAYANAN

RESPONDENTS:

STATION HOUSE OFFICER,
KUDIYANMALA POLICE STATION,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR, SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

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B.A. No. 6023 of 2006

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Dated this the 9th day of October, 2006

O R D E R

The petitioners 1 to 3, are accused in Crime No.139/2006 of Kudiyanmala Police Station, for the offence punishable under Sections 452, 294(b), 323, 324 and 354 I.P.C., read with Section 34 of the Indian Penal Code. It is alleged that the petitioners have assaulted the de facto complainant, a woman, caused damages to the window of her house, and pulled the dress worn by her and also caused injuries. No wound certificates are produced before me. No hospital records are also brought to my notice. However, it is on record that a civil suit between the first petitioner and the husband of the de facto complainant, is pending before the local munsiff court. The occurrence took place when the Commissioner, deputed by the Munsiff court, inspected the property, where the boundary dispute is pending for decision.

2. The counsel also produced the preliminary report filed by the Commissioner, before the Munsiff court. The further

submission of the counsel is that the first petitioner was on duty on the date of occurrence in the Kerala State Electricity Board, Electrical Major Section, and the second petitioner is a heart patient, who is advised operation in the earliest opportunity.

3. In the above facts situation, I direct the petitioners to surrender before the Judicial Magistrate of the First Class, Thaliparamba, on 16/10/2006, at 11 a.m., after serving copy of the bail application(s) that may be filed by them, to the Assistant Public Prosecutor of that court.

4. The Assistant Public Prosecutor shall immediately take instructions from the Investigating Officer. Thereafter, the learned Magistrate shall hear both sides and pass appropriate orders, considering the submissions that may be made by the counsel and the documents that may be filed by the petitioners before that court, at the time of hearing. The disposal shall be on merit on the date of surrender itself, provided, the copy of the application is served, well in advance, as directed herein, to the Assistant Public Prosecutor.

(J.M.JAMES)
Judge

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